

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF JANUARY 11, 2006
9:30 a.m.

Members Present: Alan Duke, Chair; Robert White, Vice Chair; Joe Brown, Secretary; Michael Cady; Commissioner Liaison; Fern Hines; Joan McIntyre.

Staff Present: Stephen O'Philips, Principal Planner; Mark Depo, Development Review Planning Director; Michael Wilkins, Development Review Planner; Justin Horman, Principal Planner; Kathy Mitchell, Assistant County Attorney; Michele Long, Recording Secretary

1. **MINUTES:**

Mr. Duke stated that the previous month's minutes were just received this morning and would be reviewed and voted on at next Wednesday's meeting.

2. **PLANNING COMMISSION COMMENTS:**

Mr. Brown spoke of the procedures for reviewing the comprehensive plans where the zoning review is separate from the comprehensive plan review and asked to have his concerns heard at the workshop that is scheduled next week. Mr. Duke stated that they would make note to add this to the agenda for next Wednesday's Meeting.

Mr. White also asked for staff input as to why this recommended change is being requested.

3. **AGENCY COMMENTS:**

N/A

4. **AGRICULTURAL CLUSTER PLANS**

Oland View - Requesting approval for 5 new residential lots totaling 7.15 acres, leaving a 181-acre remainder, located along Oland Road, east of New Design Road. Zoned: Agriculture (A) Adamstown Planning Region. Tax Map 103/Parcel 45 File #: M-2821; Hansen #: 4221 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

(Mr. Cady arrived 9:35 a.m.)

Staff Findings/Recommendations:

Mr. O'Philips stated based on the discussions in this report, and with inclusion of the conditions listed below, the Staff finds that the Applicant will have met the conditions of the Zoning Ordinance for **conditional approval** of the proposed Agricultural Cluster Concept plan:

1. The Applicant agrees to forfeit the two remaining cluster rights and the notation provided on the cluster plan stating such must be removed.
2. The recordation of Lots 1-5 is not permitted until such time as the MALPF agreement is terminated and verification of this is provided from the Maryland Department of Agriculture.

Mr. O'Philips amended staff recommendation #1 to read...1) The Ag cluster plan shall document that the Applicant agrees to forfeit the two remaining cluster rights, and the notation provided on the cluster to be corrected.

Mr. O'Philips also added a third recommendation which reads: 3) Comply with Staff Check Sheet Items.

Applicant Presentation:

Mr. Lee Miller with GLM Engineering representing the applicant, Steven Black presented the applicant's proposal. Mr. Miller concurred with the staff recommendations. Mr. Black spoke of the issues with MALPF regarding removing the property from the MALPF district.

Public Comment

N/A

Decision: Mr. Brown made a motion for a continuance of up to 180 days to allow further information to be developed and brought back to the Commission regarding MALPF release and to have the recordation of a termination agreement from the MALPF District.
2nd Ms. Hines.

Yea 6 Nay 0 (Crum Absent)

5. SITE PLANS

Stanford Industrial Park, Section 3, Lot 25 & 26 - Requesting approval for a 30,200 sq. ft. office and warehouse facility and an 8,000 sq. ft. office and warehouse facility situated on Dartmouth Ct. Zoned: Limited Industrial (LI) Adamstown Planning Region. Tax Map 94 /Parcel 96 File#:SP-89-06 Hansen #: 4173 (Mike Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendation:

Findings:

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements. Staff has no objection to conditional approval of the site plan.

Recommendation: Should the FcPc approve the site plan (SP#89-06, AP4173) for the proposed 30,200 sq ft and 8,000 sq ft speculative warehouse/office facility, Staff recommends that the following items be added as conditions to the approval:

1. Applicant shall continue to address all agency comments through the completion of this project.
2. Prior to site plan final approval and signature, Forest plans must be approved. Prior to grading or building permit application, forest easements must be recorded.
3. An Addition Plat combining Lots 25 and 26 must be recorded prior to site plan final approval and signature
4. Applicant shall work with Development Review Staff and Planning and Zoning Staff in resolving the issue regarding the two freestanding signs on Dartmouth Ct. and pedestrian access from the parking areas to the buildings.
5. Health Department approval of the septic area is required prior to site plan approval.

Applicant Presentation:

Mr. Fran Zeller with Harris, Smariga & Associates representing the applicant, Ruppert Properties presented the applicant's proposal.

Public Comment

N/A

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations #1 thru #4 amending condition #5 to read: Health Department approval of the septic area is required prior to site plan approval adding a notation that they should check the spacing to the existing well; adding condition #6 to accept the following three proffers by the applicant; accept the voluntary contribution of 25 cents/sq. ft. for road improvements at the US Route 15 and Mountville Road intersection, accept the proffer for sidewalk in front of proposed Building 'B' and if there are openings to rear of Building 'B' that there will also be sidewalk to accommodate that; and to accept the proffer to eliminate 5 parking spaces somewhere on the site; also

adding a condition #7 for the lighting height to be 20 ft. from the ground to the lens. 2nd by Mr. White.

Yea 6 Nay 0 (Crum Absent)

(Break at 10:30 a.m.)

(Resumed at 10:40 a.m.)

Stanford Industrial Park, Section 3, Lot 27 - Requesting approval for a 67,344 sq. ft. office and warehouse facility situated on Winchester Blvd. Zoned: Limited Industrial (LI) Adamstown Planning Region. Tax Map 94 /Parcel 96 File#:SP-89-06 Hansen #: 4181 (Mike Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements. Staff has no objection to conditional approval of the site plan.

Recommendation:

Should the FcPc approve this Site Plan (SP89-06, AP 4181) for the proposed 67,344 sq ft speculative warehouse/office facility, Staff recommends that the following items be added as conditions to the approval:

1. Applicant shall continue to address all agency comments through the completion of this project.
2. Prior to site plan final approval and signature, Forest plans must be approved. Prior to grading or building permit application, forests easements must be recorded.

Applicant Presentation:

Mr. Fran Zeller with Harris, Smariga & Associates representing the applicant, Ruppert Properties presented the applicant's proposal.

Public Comment

N/A

Decision: Mr. Brown made a motion to grant conditional approval in accordance with the staff recommendations adding the proffer from the applicant for voluntary payment of 25 cents per sq. ft. for

the road improvements at the US Route 15 and Mountville Road intersection. 2nd by Ms. McIntyre.

Yea 6 Nay 0 (Crum Absent)

Spring Ridge Fire Station - Requesting approval for a 10,767 sq. ft. one-story fire station (#33) and a future 3,100 sq. ft. community building on 1.94 acres, located on the south side of Spring Ridge Parkway behind the existing Exxon Gas Station. Zoned: Planned Unit Development (PUD) New Market Planning Region. Tax Map 78/Parcel 712 File#: SP-89-13 Hansen#: 4155 (Justin Horman)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and, and with the conditions listed below the Staff finds the application meets or will meet all applicable Zoning and FRO requirements, with the exception of the 8 foot side yard for quasi-public use constructed on a lot that adjoins another quasi-public use.

The applicant has requested an 8 foot side yard setback for quasi-public use constructed on a lot that adjoins another quasi-public use feet requirement set forth in Section 1-19-321 of the County's Zoning Ordinance regulations. The FcPc does have the authority to grant such a modification per Section 1-19-321(f)(6)(a) of the County's Zoning Ordinance regulations.

Staff concurs and supports the applicant's modification justification due to the four (4) surrounding properties provide services and facilities to the public, which are considered quasi-public uses within the PUD zoning district. Furthermore the Planning Commission previously approved the setback modification in 2002 and this site was dedicated to Frederick County for a Fire Station Site, which is a quasi-public use.

Staff has no objection to conditional approval of the site plan

Recommendation:

Should the FcPc support the approval of the setback modification requested per Section 1-19-321(F)(6)(a) of the Zoning Ordinance to allow an 8 ft minimum side yard setback for quasi-public use constructed on a lot that adjoins another quasi-public use, Staff recommends that the following items be added as conditions of approval:

1. Applicant shall submit a photometric chart.

2. The Applicant shall add a note stating, "Lighting will not exceed .5ft/candles at the periphery of the site."
3. The Applicant shall continue to address all agency comments through the completion of this project.
4. The Applicant shall provide a note on the plan regarding the FcPc approval of the modification requested to allow an 8 ft minimum side yard setback for quasi-public use constructed on a lot that adjoins another quasi-public use and correct all relevant existing notes to reflect this approval.

If the Planning Commission does not grant the side yard modification, the site shall be adjusted to meet the standard setback requirements for a quasi-public use as stated in Section 1-19-321(F)(6)(a)2 of the Zoning Ordinance.

Applicant Presentation:

Mr. Fran Zeller with Harris, Smariga & Associates representing the applicant presented the applicant's proposal.

Mr. Cady stated that Note 21 should be reworded to say: If the community building is pursued during any future phases that the revised site plan and associated parking needs will be submitted and reviewed by the Planning Commission.

Public Comment:

N/A

Decision: Mr. Brown made a motion for condition approval in accordance with the staff recommendations adding the approval of the 8 ft. setbacks and accepting the proffer from the applicant for note #21 on the plat to read if the community building is pursued during any future design phases a revised site plan and associated parking needs shall be submitted and reviewed by the Planning Commission. 2nd by Mr. White.

Yea 5 Nay 0 (Crum Absent)(Cady Abstained)

Linton Farm; Phase III - Requesting a modification to the height requirement in the Town home section of Section I on 5.3 acres, located on the northwest of intersection of Elmer Derr Road and Ballenger Creek Pike. Zoned: Planned Unit Development (PUD) Adamstown Planning Region. Tax Map 85/Parcel 44 File #: SP-05-08 Hansen #: 4207

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and, and with the conditions listed below the Staff finds the application meets or will meet all applicable Zoning, Subdivision, APFO and FRO requirements, with the exception of the 40 feet height request for the 32-townhouse units in Section I.

The applicant has requested a 40 feet height modification per Section 1-19-321(C)(3) of the County's Zoning Ordinance regulations. The FcPc does have the authority to grant such a modification per Section 1-19-321(C)(3) of the County's Zoning Ordinance regulations.

Staff concurs with and supports the applicant's modification justification due to flexibility allowed under the Planned Unit Development zoning district, which encourages a variety of housing types. The applicant has not identified the specific architectural elements for the 32 town home units at this time. At such time that the applicant has decided on the type of units that will be constructed and when architectural information is available the applicant must submit the specific architectural elements to be reviewed and approved by staff.

Staff has no objection to conditional approval of the site plan

Recommendation:

Should the FcPc support the approval of the height modification request in accordance with Section 1-19-321(c)(3) of the Zoning Ordinance to allow for a height of 40 feet for the 32-townhouse units in Section I, Staff recommends that the following items be added as conditions of approval:

1. Applicant shall continue to address all the 26 rezoning conditions.
2. Applicant shall comply with all agency comments throughout the completion of the project including State Highway, Fire Marshal, Division of Utilities and Solid Waste Management, Historic Preservation, Traffic Engineering Health Dept., Development Review Engineering, Development Review Planning, the Department of Parks and Recreation and the Board of Education.
3. Applicant shall provide a note on the plan regarding the FcPc approval of the height modification request to allow a height of 40 feet for the 32-townhouse units in Section I and correct all relevant existing notes to reflect this approval.
4. Applicant shall provide architectural elevations of the Section I townhouses to comply with the architectural standards as stipulated by the applicant in their height modification justification letter, to be approved by Staff.

Applicant Presentation:

Mr. Bruce Dean with McEvoy & Dean representing the applicant, Dree's Homes presented the applicant's proposal. Mr. Mark Friis with Rodgers Consulting spoke in regards to the responding fire company as well as the architectural design for the town homes.

Public Comment:

N/A

Decision: Mr. Brown made a motion for conditional approval in accordance with the staff recommendations, noting that the Planning Commission does approve the height modification as per Section 1-19-321(C3) and that the town homes will not exceed 40 ft. in height in Section One. 2nd by Ms. McIntrye.

Yea 5 Nay 1 (Hines Opposed)(Crum Absent)

Adjourned at 10:50 a.m.

Respectfully Submitted,

Alan E. Duke; Chairman